

ESTTA Tracking number: **ESTTA524105**

Filing date: **02/28/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	79096066
Applicant	OCI Nitrogen B.V.
Applied for Mark	OCI
Correspondence Address	TODD A DENYS PORZIO BROMBERG & NEWMAN PC 29 THANET ROAD, SUITE 201 PRINCETON, NJ 08540 UNITED STATES tadenys@pbnlaw.com
Submission	Applicant's Motion to Suspend
Attachments	2312808-Motion_to_Suspend_02_28_13.PDF (3 pages)(23214 bytes) 2312567-Petition_for_Cancellation.PDF (6 pages)(475724 bytes) 2312577-TTAB_Receipt_-_Petition_for_Cancellation.PDF (6 pages)(73688 bytes) 2312746-ESTTA_email_confirming_Petition_for_Cancellation.PDF (5 pages)(67028 bytes) 2312779-Request_for_Reconsideration_after_Final_Action_02_28_13.PDF (3 pages)(43988 bytes) 2312784-USPTO_Receipt_-_Request_for_Reconsideration_after_Final_Action.PDF (1 page)(31391 bytes) 2312786-TEAS_email_-_Request_for_Reconsideration_after_Final_Action.PDF (3 pages)(69983 bytes)
Filer's Name	Todd A. Denys
Filer's e-mail	tadenys@pbnlaw.com
Signature	/todd a denys/
Date	02/28/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Matter: In re OCI Nitrogen B.V.
Applicant: OCI Nitrogen B.V.
Mark: OCI
Serial No.: 79/096,066
Filed: March 17, 2011
Classes: 1 and 37
Examining Attorney: Jessica Ellinger Fathy
Law Office 110

MOTION TO SUSPEND

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Pursuant to Sections 510 and 1212 of the TTAB Manual of Examining Procedure,
Applicant respectfully requests suspension of the above-captioned matter.

Applicant submits this Motion to Suspend in good faith and for good cause because
Applicant has filed a Petition for Cancellation of the cited registration. Attached hereto please
find:

- A copy of the Petition for Cancellation of United States Trademark Registration Number 3,953,513;
- A copy of the Trademark Trial and Appeal's Board's "receipt" acknowledging the filing of the Petition for Cancellation of United States Trademark Registration Number 3,953,513;
- A copy of the ESTTA email confirming the filing of the Petition for Cancellation of United States Trademark Registration Number 3,953,513;
- A copy of the Request for Reconsideration after Final Action filed in connection with the instant application;
- A copy of the United States Patent and Trademark Office's "receipt" acknowledging the filing of the Request for Reconsideration after Final Action in connection with the instant application; and
- A copy of the TEAS email confirming the filing of the Request for Reconsideration after Final Action in connection with the instant application

For the foregoing reasons, Applicant respectfully requests that the above-captioned matter be suspended pending resolution of the cancellation proceeding.

Respectfully Submitted,

OCI Nitrogen B.V.

Dated: February 28, 2013

BY: /todd a denys/
 Todd A. Denys, Esq.
 Porzio Bromberg & Newman P.C.
 29 Thanet Road, Suite 201
 Princeton, New Jersey 08540
 Tel: (609) 924-8555
 Fax: (609) 924-3036
tadenys@pbnlaw.com
 Attorneys for Applicant

CERTIFICATE OF FILING

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via the Trademark Trial and Appeal Board's Electronic System for Trademark Trials and Appeals [ESTTA] on-line filing process.

February 28, 2013

(Date of Deposit)

/todd a denys/

(Signature)

February 28, 2013

(Date of Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----	X	
OCI NITROGEN B.V.,	:	
	:	
Petitioner,	:	Cancellation No.:
	:	
vs.	:	
	:	
OCI COMPANY LTD.,	:	
	:	
Respondent.	:	
	:	
-----	X	

PETITION FOR CANCELLATION

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

In the matter of the registration of the mark "OCI" (stylized) owned by OCI Company Ltd. for goods in International Classes 1, 2, 3, 4, 5, 6, 7, 9, 17, 19, 22 and services in International Classes 35 and 36, United States Trademark Registration Number 3,953,513 granted on May 3, 2011.

OCI Nitrogen B.V., a Besloten Vennootschap of the Netherlands, having a place of business at Mijneweg 1, NL-6167 AC Geleen, the Netherlands, believes that it is damaged by

United States Trademark Registration Number 3,953,513 and hereby Petitions for Cancellation thereof on the following grounds:

1. Petitioner filed United States Trademark Application Serial Number 79/096,066 for its mark “OCI” with the United States Patent and Trademark Office on March 17, 2011 (with a priority filing date of November 12, 2010).

2. By an Office Action mailed June 28, 2011, Petitioner’s United States Trademark Application Serial Number 79/096,066 to register the mark “OCI” was refused registration based on Section 2(d) of the Trademark Act, in view of United States Trademark Registration Number 3,953,513,¹ the registration herein sought to be cancelled. This Trademark Act Section 2(d) refusal was maintained in a subsequent Office Action dated August 29, 2012.

3. Petitioner filed United States Trademark Application Serial Number 85/433,301 for its “OCI NITROGEN” & Design Mark with the United States Patent and Trademark Office on September 27, 2011 (with a priority filing date of June 24, 2011).

4. By an Office Action mailed January 18, 2012, Petitioner’s United States Trademark Application Serial Number 85/433,301 to register the “OCI NITROGEN” & Design Mark was refused registration based on Section 2(d) of the Trademark Act, in view of United States Trademark Registration Number 3,953,513,² the registration herein sought to be cancelled.

¹ Other issues, not relevant to this cancellation proceeding, were also raised in the June 28, 2011 Office Action.

² Other issues, not relevant to this cancellation proceeding, were also raised in the January 18, 2012 Office Action.

This Trademark Act Section 2(d) refusal was maintained in a subsequent Office Action dated August 17, 2012.

COUNT ONE

CANCELLATION FOR LACK OF BONA FIDE INTENTION TO USE

5. OCI Company Ltd. secured United States Trademark Registration Number 3,953,513 via the Madrid Protocol under 15 U.S.C. § 1141.

6. Pursuant to 37 C.F.R. § 2.33(e), 15 U.S.C. § 1141f(a), a Request for Extension of Protection of a trademark via the Madrid Protocol must include a verified statement indicating that the applicant has a bona fide intention to use the mark in commerce that the United States Congress can regulate on or in connection with the goods/services identified in the international application/subsequent designation.

7. United States Trademark Registration Number 3,953,513 covers more than 275 goods in eleven International Classes as well as more than 90 services in two International Classes.

8. Upon information and belief, at the time OCI Company Ltd. filed the Request for Extension of Protection that matured into United States Trademark Registration Number

3,953,513, it did not have a bona fide intention to use the mark "OCI" (stylized) in connection with any of the goods or services set forth in that registration.

9. Based on the foregoing, Petitioner has standing pursuant to 15 U.S.C. § 1064 in that it is damaged by the continued maintenance on the Principal Register of United States Trademark Registration Number 3,953,513 because Petitioner is prevented from lawful registration of its own "OCI" and "OCI NITROGEN" & Design trademarks and is being denied all rights and privileges resulting from such lawful registrations for so long as United States Trademark Registration Number 3,953,513 remains uncanceled.

WHEREFORE, Petitioner prays that United States Trademark Registration Number 3,953,513 granted on May 3, 2011 be cancelled and be stricken from the Principal Register of the United States Patent and Trademark Office in accordance with Section 14 of the Trademark Act, 15 U.S.C. §1064.

Respectfully submitted,

OCI Nitrogen B.V.

BY:



Todd A. Denys, Esq.
Porzio, Bromberg & Newman, P.C.
29 Thanet Road, Suite 201
Princeton, New Jersey 08540
Tel: 609-924-8555
Fax: 609-924-3036
Attorney for Petitioner

Dated:


2/28/2013

CERTIFICATE OF FILING

I hereby certify that this Petition for Cancellation is being filed with the United States Patent and Trademark Office via the Trademark Trial and Appeal Board's Electronic System for Trademark Trials and Appeals [ESTTA] on-line filing process.

2/28/2013

(Date of Deposit)



(Signature)

2/28/2013

(Date of Signature)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the foregoing Petition for Cancellation was served this 28th day of February, 2013, via First Class Mail, Postage Prepaid, addressed as follows:

Yoon S. Ham
LOWE HAUPTMAN HAM & BERNER LLP
2318 Mill Road
Suite 1400
ALEXANDRIA, VIRGINIA 22314

BY:



Todd A. Denys, Esq.
Porzio, Bromberg & Newman, P.C.
29 Thanet Road, Suite 201
Princeton, New Jersey 08540
Tel: 609-924-8555
Fax: 609-924-3036
Attorney for Petitioner

Dated: 2/28/2013

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Your submission has been received by the USPTO.
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ESTTA Tracking number: **ESTTA524018**Filing date: **02/28/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	OCI Nitrogen B.V.		
Entity	Besloten Vennootschap	Citizenship	Netherlands
Address	Mijnweg 1 NL-6167 AC Geleen, NETHERLANDS		

Attorney information	Todd A. Denys Porzio, Bromberg & Newman, P.C. 29 Thanet Road, Suite 201 Princeton, NJ 08540 UNITED STATES tadenys@pbnlaw.com Phone:609-924-8555
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Registration Subject to Cancellation

Registration No	3953513	Registration date	05/03/2011
International Registration No.	NONE	International Registration Date	NONE

Registrant	OCI Company Ltd. 50, Sogong-dong Jung-gu Seoul KOREA, REPUBLIC OF
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Goods/Services Subject to Cancellation

Class 001.

All goods and services in the class are cancelled, namely: Fertilizers, wood flour for use as a filler in the manufacture of plastics, starch for use in the manufacture of paper or textiles, starch paste, chemical preparations for use in industry, chemical preparations for scientific purposes other than for medical or veterinary use, surface-active chemical agents for use in the manufacture of detergents and bleaches, adhesives for industrial purposes, artificial sweeteners, plant growth regulating preparations, nutritional preparations of trace elements for plants, namely, plant food, soil conditioning preparations, cultures of microorganisms other than medical and veterinary purposes, ceramic glazings, industrial mineral used as a filler or extender in the nature of China clay, dolomite for industrial purposes, magnesite, unprocessed artificial resins, unprocessed plastics, chemical pulp for industrial purposes, gallium, lithium, cerium, mercury, uranium, plutonium, photographic paper in the nature of chemically-sensitized paper, sensitized photographic film, chemical preparations for use in photography, antifreeze, brake fluid, fluids for hydraulic circuits, compositions for the manufacture of technical ceramics

Class 002.

All goods and services in the class are cancelled, namely: Natural resins, anti-tarnishing preparations for coating metals, wood preservatives, wood mordants for use in chemical dyeing, mordants for leather for chemical dyeing, dyestuffs, pigments, paints, printing ink, water-colors for drawing pictures, anti-rust oils

Class 003.

All goods and services in the class are cancelled, namely: Essential oils for food flavorings, laundry glaze, namely, fabric softeners for laundry use, bleaching preparations for fiber and textile, color-removing preparations for fiber and textile, laundry starch, cosmetics, perfumery, false nails, false eyelashes, adhesives for cosmetic purposes, cotton sticks for cosmetic purposes, cotton wool for cosmetic purposes, soaps not for personal use in the nature of laundry, common toilet water, beauty soap, dentifrices, boot cream, refurbishing preparations, namely, polish, grinding preparations for use in etching TFT-LCD glass and PDP

Class 004.

All goods and services in the class are cancelled, namely: Industrial oils, industrial fats for use in the manufacture of others products, dust laying compositions for use on unpaved roads, dust removing preparations for use on unpaved roads, all purpose lubricants, grease for boots, oil for the preservation of leather, lamp wicks, electrical energy, solid fuels, gaseous fuels, liquid fuels, industrial oils, polishing wax used for industrial purposes, illuminating wax, namely, candles, fuel for lighters

Class 005.

All goods and services in the class are cancelled, namely: Food for babies except lacteal flour for babies, lactose milk sugar for food and beverages, lacteal flour for babies, chemical reagents for medicinal purposes, vermin destroying preparations, fungicides, herbicides, food

and beverages adapted for medical purposes, dietetic substances, namely, diet foods adapted for medical use, chemical agents for dispensing purposes for medical purposes, air deodorants other than for personal use, air purifying preparations, headache pencils, namely, headache treatment preparations, magnetic bracelets for medical purposes, anti-rheumatism rings, cotton for medical purposes, medical dressings, adhesive plasters for medical purposes, medicated adult diapers, menstruation bandages, breast-nursing pads, dental abrasives, fillings for teeth, fly catching adhesives, fly catching paper, mothproofing paper

Class 006.

All goods and services in the class are cancelled, namely: Broom handles of metal, ores of metal, pot hooks of metal, baskets of common metal, signboards of metal, non-luminous and non-mechanical signalling panels of metal, memorial cups of non-precious metal, memorial tablets of non-precious metal, traps for wild animals, cattle chains of metal, chicken-houses of metal, metal bells for animals, ladders of metal, money boxes of metal, barrels of metal, general purpose metal storage containers, metal fluid storage tanks, boxes of metal, bungs of metal, metal seals, cash boxes of metal, fittings of metal for furniture, metal door scrapers, weather vanes of metal, letter boxes of metal, outdoor blinds of metal, grave markers of metal, tombstones of metal, ferrules of metal for walking sticks, fire-dogs (andirons), screws of metal, nuts of metal, rivets of metal, metal cotter pins, bolts of metal, pegs of metal, hardware, namely, metal hooks, locks of metal other than electric, handcuffs, knife handles of metal, anvils, vice claws of metal, filings of metal, unwrought and semi-wrought iron, unwrought or semi wrought steel, unwrought or semi-wrought non-ferrous metals, hard solder, rods of metal for brazing, tiles of metal, transportable buildings of metal, palings of metal, poles of metal for electric lines, non-mechanical, non-luminous traffic signs of metal, handling pallets of metal, mooring buoys of metal, masts of metal, vice benches of metal, scythe handles of metal, artificial fish reefs of metal, booths of metal for spraying paint, valves of metal not being parts of machines, pipe couplings of metal other than for machines, flanges of metal other than for machines, springs of metal other than for machines, crampons (climbing irons), spurs, buckles of common metal, ropes of metal, metal nets, works of art of common metal

Class 007.

All goods and services in the class are cancelled, namely: Snow ploughs, [chemical machines for industrial purposes for the purpose of reacting, extracting, and heating chemical materials to manufacture chemical products, industrial waste disposals,] machines for food and drink processing for industrial purposes, saw-tooth setting machines for lumbering, woodworking machines, namely, sawing machines, pulp processing machines, papermaking machines, printing machines, bookbinding machines, sewing machines, leatherworking machines, tobacco processing machines, glass working machines, washing machines for industrial parts, packaging machines, motive power machines other than for steam boilers and land vehicles, steam boilers for power generation other than for land vehicles, electric pumps being parts of machines, engines or motors, compressors as parts of machines, bellows (machines), power transmissions and gearings for machines, shock absorbers for machines, braking devices for machines, water mills, wind mills, rubber processing machines, plastic working machines, namely, molding machines, current generators, motors other than for land vehicles, electric mixers for household purposes, electric washing machines for household purposes, industrial robots, semiconductor processing machines

Class 009.

All goods and services in the class are cancelled, namely: DNA chips, machines for dispensing pre-determined dosages of medication, processed glass for lens, not for buildings, optical apparatus and instruments, namely, microscopes, weighing apparatus and instruments

for standard unit, weighing apparatus and instruments for derived unit, precision measuring apparatus, namely, electron microscope, apparatus and instruments for testing material for chemical materials, automatic control apparatus and instruments for use in chemical industry, [ionisation apparatus not for the treatment of air for use in manufacturing chemicals, electroplating machines, electrolyzers,] electric power distribution units, electrical controllers, electric transformers, neon signs, electric batteries, electricity measuring apparatus and instruments, magnetic measuring apparatus and instruments, wavemeters, electric wires, electric cables, optical fibers (light conducting filaments), electric buzzers, computer software for use in network management, electron tubes, semi-conductors, semiconductor power elements, integrated circuits, electrodes, electric plugs, electric sockets, magnets, nose clips for divers and swimmers, ergometers for chemicals testing purposes

Class 017.

All goods and services in the class are cancelled, namely: Asbestos paper, artificial resins (semi-finished products), plastic film not for wrapping, for use in manufacturing chemical products, raw rubber, semi-worked rubber, rubber sacks for packaging, rubber stoppers, asbestos building materials, substances for insulating buildings against moisture, soundproofing materials, non-conducting materials for retaining heat in the nature of insulation panels , weatherstripping compositions in the nature of insulation panels

Class 019.

All goods and services in the class are cancelled, namely: Tar and pitch, non-metallic unprocessed minerals for building or construction purposes in the nature of cement, building glass, building timber, manufactured timber, cement-based products, namely, cement concrete artificial stone, nonmetallic tiles for exclusive use in building and construction, refractory construction materials, not of metal, bricks, non-metal transportable buildings, non-metallic modular building units, non-metal railroad ties, non-metal pilings for building or construction purposes

Class 022.

All goods and services in the class are cancelled, namely: Sea wrack for stuffing, rope ladders, straw for stuffing upholstery, wood shavings, sawdust, packaging bags of textile material, straw wrappers for bottles, rice straw bags, awnings, tents, hammocks, string, ropes not of metal, cables not of metal, packing string

Class 035.

All goods and services in the class are cancelled, namely: Brokerage services of pharmaceutical products, pharmaceutical products procurement services for others (purchasing pharmaceutical products for other businesses), business management of hotels for others, business management and organization consultancy, advisory services for business management, personnel management consultancy, business information in the field of chemical industry, commercial information agencies, conducting marketing research, compilation of information into computer databases, systemization of information into computer databases, data search in computer files for others, computerized file management, retail store services for unprocessed non-metallic minerals for building or construction purposes, retail online services for unprocessed non-metallic minerals for building or construction purposes, wholesale ordering services for building timber and manufactured timber, retail store services for building timber and manufactured timber, retail online services for building timber and manufactured timber, brokerage services of building timber and manufactured timber, commercial intermediary services in the field of building timber and manufactured timber, sales arranging of building timber and manufactured timber, wholesale ordering services for building glass, retail store services for building glass,

brokerage services of building glass, commercial intermediary services in the field of building glass, sales arranging of building glass, retail store services for industrial chemicals and chemical preparations for industrial or scientific purposes and surface-active chemical agents, retail store services for industrial oils, retail store services for industrial oils and fats, retail store services for adhesives for industrial purposes, wholesale store services for artificial resins in the nature of semi-finished products and plastic film other than for wrapping, wholesale ordering services for artificial resins in the nature of semi-finished products and plastic film other than for wrapping, retail store services for artificial resins in the nature of semi-finished products and plastic film other than for wrapping, brokerage services of artificial resins in the nature of semi-finished products and plastic film other than for wrapping, commercial intermediary services in the field of artificial resins in the nature of semi-finished products and plastic film other than for wrapping, sales arranging of artificial resins in the nature of semi-finished products and plastic film other than for wrapping, retail store services for semi conductors, semiconductor elements and integrated circuits, retail store services for antifreeze, brake fluid, fluids for hydraulic circuits, retail store services for processed glass not for buildings, retail store services for glass based product not for building, retail store services for non-metallic materials for exclusive use in building or construction, wholesale store services for fertilizers, wholesale ordering services for fertilizers, brokerage services of fertilizers, commercial intermediary services in the field of fertilizers, sales arranging of fertilizers, retail store services for fertilizers and earth for growing, retail store services for inorganic fiber not for textile use, retail store services for chemical fiber not for textile use, retail store services for chemical-fiber yarns and inorganic fiber yarn not for textile use, retail store services for chemical machines for industrial purposes and waste disposals, wholesale ordering services for cement and cement-based products, retail store services for cement and cement-based products, brokerage services of cement and cement-based products, commercial intermediary services in the field of cement and cement-based products, sales arranging of cement and cement-based products, wholesale ordering services for tableware, retail store services for tableware, brokerage services of tableware, commercial intermediary services in the field of tableware, sales arranging of tableware, wholesale ordering services for glass working machines, retail store services for glass working machines, brokerage services of glass working machines, commercial intermediary services in the field of glass working machines, sales arranging of glass working machines, retail store services for ionisation apparatus not for the treatment of air, electroplating apparatus and electrolyzers, retail store services for tar and pitch, wholesale ordering services for tires, brokerage services of tires, commercial intermediary services in the field of tires, sales arranging of tires, retail store services for tires and tubes, retail store services for compositions for the manufacture of technical ceramics, import-export agencies, providing office functions, secretarial services

Class 036.

All goods and services in the class are cancelled, namely: Financial services, namely, electronic remote check deposit services, financial services, namely, money lending, financial exchange services, namely, domestic exchange transactions, brokerage services in the field of securities, fiscal assessments, financial management, financial consultancy, real estate appraisal, real estate management, brokerage and leasing of real property, credit inquires, customs brokerage, antique appraisal, appraisal of precious metals, picture appraisal services, appraisal services for works of art, art appraisal services, stamp appraisal services, charitable fund raising

Grounds for Cancellation

Other	lack of bona fide intention to use - 37 C.F.R. § 2.33(e), 15 U.S.C. § 1141f(a)
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Attachments	2312567-Petition_for_Cancellation.PDF (6 pages)(475724 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/todd a denys/
Name	Todd A. Denys
Date	02/28/2013

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Denys, Todd A.

From: estta-server@uspto.gov
Sent: February 28, 2013 12:06 PM
To: Denys, Todd A.
Subject: ESTTA. Petition for Cancellation. confirmation receipt ID: ESTTA524018

Petition for Cancellation.

Tracking No: ESTTA524018

ELECTRONIC SYSTEM FOR TRADEMARK TRIALS AND APPEALS Filing Receipt

We have received your Petition for Cancellation. submitted through the Trademark Trial and Appeal Board's ESTTA electronic filing system. This is the only receipt which will be sent for this paper. If the Board later determines that your submission is inappropriate and should not have been accepted through ESTTA, you will receive notification and appropriate action will be taken.

Please note:

Unless your submission fails to meet the minimum legal requirements for filing, the Board will not cancel the filing or refund any fee paid.

If you have a technical question, comment or concern about your ESTTA submission, call 571-272-8500 during business hours or e-mail at estta@uspto.gov.

The status of any Board proceeding may be checked using TTABVUE which is available at <http://ttabvue.uspto.gov> Complete information on Board proceedings is not available through the TESS or TARR databases. Please allow a minimum of 2 business days for TTABVUE to be updated with information on your submission.

The Board will consider and take appropriate action on your filing in due course.

Printable version of your request is attached to this e-mail

ESTTA server at <http://estta.uspto.gov>

ESTTA Tracking number: ESTTA524018
Filing date: 02/28/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name: OCI Nitrogen B.V.

Entity:

Citizenship: Netherlands

Address: Mijnweg 1

NL-6167 AC Geleen,

NETHERLANDS

Attorney information:

Todd A. Denys

Porzio, Bromberg & Newman, P.C.

29 Thanet Road, Suite 201

Princeton, NJ 08540

UNITED STATES

tadenys@pbnlaw.com Phone:609-924-8555

Registration Subject to Cancellation

Registration No: 3953513

Registration Date: 05/03/2011

Registrant:

OCI Company Ltd.

50, Sogong-dong Jung-gu Seoul

,

KOREA, REPUBLIC OF

Goods/Services Subject for Cancellation

Class 001.

All goods and services in the class are cancelled, namely: Fertilizers, wood flour for use as a filler in the manufacture of plastics, starch for use in the manufacture of paper or textiles, starch paste, chemical preparations for use in industry, chemical preparations for scientific purposes other than for medical or veterinary use, surface-active chemical agents for use in the manufacture of detergents and bleaches, adhesives for industrial purposes, artificial sweeteners, plant growth regulating preparations, nutritional preparations of trace elements for plants, namely, plant food, soil conditioning preparations, cultures of microorganisms other than medical and veterinary purposes, ceramic glazings, industrial mineral used as a filler or extender in the nature of China clay, dolomite for industrial purposes, magnesite, unprocessed artificial resins, unprocessed plastics, chemical pulp for industrial purposes, gallium, lithium, cerium, mercury, uranium, plutonium, photographic paper in the nature of chemically-sensitized paper, sensitized photographic film, chemical preparations for use in photography, antifreeze, brake fluid, fluids for hydraulic circuits, compositions for the manufacture of technical ceramics

Class 002.

All goods and services in the class are cancelled, namely: Natural resins, anti-tarnishing preparations for coating metals, wood preservatives, wood mordants for use in chemical dyeing, mordants for leather for chemical dyeing, dyestuffs, pigments, paints, printing ink, water-colors for drawing pictures, anti-rust oils

Class 003.

All goods and services in the class are cancelled, namely: Essential oils for food flavorings, laundry glaze, namely, fabric softeners for laundry use, bleaching preparations for fiber and textile, color-removing preparations for fiber and textile,

laundry starch, cosmetics, perfumery, false nails, false eyelashes, adhesives for cosmetic purposes, cotton sticks for cosmetic purposes, cotton wool for cosmetic purposes, soaps not for personal use in the nature of laundry, common toilet water, beauty soap, dentifrices, boot cream, furbishing preparations, namely, polish, grinding preparations for use in etching TFT-LCD glass and PDP

Class 004.

All goods and services in the class are cancelled, namely: Industrial oils, industrial fats for use in the manufacture of others products, dust laying compositions for use on unpaved roads, dust removing preparations for use on unpaved roads, all purpose lubricants, grease for boots, oil for the preservation of leather, lamp wicks, electrical energy, solid fuels, gaseous fuels, liquid fuels, industrial oils, polishing wax used for industrial purposes, illuminating wax, namely, candles, fuel for lighters

Class 005.

All goods and services in the class are cancelled, namely: Food for babies except lacteal flour for babies, lactose milk sugar for food and beverages, lacteal flour for babies, chemical reagents for medicinal purposes, vermin destroying preparations, fungicides, herbicides, food and beverages adapted for medical purposes, dietetic substances, namely, diet foods adapted for medical use, chemical agents for dispensing purposes for medical purposes, air deodorants other than for personal use, air purifying preparations, headache pencils, namely, headache treatment preparations, magnetic bracelets for medical purposes, anti-rheumatism rings, cotton for medical purposes, medical dressings, adhesive plasters for medical purposes, medicated adult diapers, menstruation bandages, breast-nursing pads, dental abrasives, fillings for teeth, fly catching adhesives, fly catching paper, mothproofing paper

Class 006.

All goods and services in the class are cancelled, namely: Broom handles of metal, ores of metal, pot hooks of metal, baskets of common metal, signboards of metal, non-luminous and non-mechanical signalling panels of metal, memorial cups of non-precious metal, memorial tablets of non-precious metal, traps for wild animals, cattle chains of metal, chicken-houses of metal, metal bells for animals, ladders of metal, money boxes of metal, barrels of metal, general purpose metal storage containers, metal fluid storage tanks, boxes of metal, bungs of metal, metal seals, cash boxes of metal, fittings of metal for furniture, metal door scrapers, weather vanes of metal, letter boxes of metal, outdoor blinds of metal, grave markers of metal, tombstones of metal, ferrules of metal for walking sticks, fire-dogs (andirons), screws of metal, nuts of metal, rivets of metal, metal cotter pins, bolts of metal, pegs of metal, hardware, namely, metal hooks, locks of metal other than electric, handcuffs, knife handles of metal, anvils, vice claws of metal, filings of metal, unwrought and semi-wrought iron, unwrought or semi wrought steel, unwrought or semi-wrought non-ferrous metals, hard solder, rods of metal for brazing, tiles of metal, transportable buildings of metal, palings of metal, poles of metal for electric lines, non-mechanical, non-luminous traffic signs of metal, handling pallets of metal, mooring buoys of metal, masts of metal, vice benches of metal, scythe handles of metal, artificial fish reefs of metal, booths of metal for spraying paint, valves of metal not being parts of machines, pipe couplings of metal other than for machines, flanges of metal other than for machines, springs of metal other than for machines, crampons (climbing irons), spurs, buckles of common metal, ropes of metal, metal nets, works of art of common metal

Class 007.

All goods and services in the class are cancelled, namely: Snow ploughs, [chemical machines for industrial purposes for the purpose of reacting, extracting, and heating chemical materials to manufacture chemical products, industrial waste disposals,] machines for food and drink processing for industrial purposes, saw-tooth setting machines for lumbering, woodworking machines, namely, sawing machines, pulp processing machines, papermaking machines, printing machines, bookbinding machines, sewing machines, leatherworking machines, tobacco processing machines, glass working machines, washing machines for industrial parts, packaging machines, motive power machines other than for steam boilers and land vehicles, steam boilers for power generation other than for land vehicles, electric pumps being parts of machines, engines or motors, compressors as parts of machines, bellows (machines), power transmissions and gearings for machines, shock absorbers for machines, braking devices for machines, water mills, wind mills, rubber processing machines, plastic working machines, namely, molding machines, current generators, motors other than for land vehicles, electric mixers for household purposes, electric washing machines for household purposes, industrial robots, semiconductor processing machines

Class 009.

All goods and services in the class are cancelled, namely: DNA chips, machines for dispensing pre-determined dosages of medication, processed glass for lens, not for buildings, optical apparatus and instruments, namely, microscopes,

weighing apparatus and instruments for standard unit, weighing apparatus and instruments for derived unit, precision measuring apparatus, namely, electron microscope, apparatus and instruments for testing material for chemical materials, automatic control apparatus and instruments for use in chemical industry, [ionisation apparatus not for the treatment of air for use in manufacturing chemicals, electroplating machines, electrolyzers,] electric power distribution units, electrical controllers, electric transformers, neon signs, electric batteries, electricity measuring apparatus and instruments, magnetic measuring apparatus and instruments, wavemeters, electric wires, electric cables, optical fibers (light conducting filaments), electric buzzers, computer software for use in network management, electron tubes, semi-conductors, semiconductor power elements, integrated circuits, electrodes, electric plugs, electric sockets, magnets, nose clips for divers and swimmers, ergometers for chemicals testing purposes

Class 017.

All goods and services in the class are cancelled, namely: Asbestos paper, artificial resins (semi-finished products), plastic film not for wrapping, for use in manufacturing chemical products, raw rubber, semi-worked rubber, rubber sacks for packaging, rubber stoppers, asbestos building materials, substances for insulating buildings against moisture, soundproofing materials, non-conducting materials for retaining heat in the nature of insulation panels , weatherstripping compositions in the nature of insulation panels

Class 019.

All goods and services in the class are cancelled, namely: Tar and pitch, non-metallic unprocessed minerals for building or construction purposes in the nature of cement, building glass, building timber, manufactured timber, cement-based products, namely, cement concrete artificial stone, nonmetallic tiles for exclusive use in building and construction, refractory construction materials, not of metal, bricks, non-metal transportable buildings, non-metallic modular building units, non-metal railroad ties, non-metal pilings for building or construction purposes

Class 022.

All goods and services in the class are cancelled, namely: Sea wrack for stuffing, rope ladders, straw for stuffing upholstery, wood shavings, sawdust, packaging bags of textile material, straw wrappers for bottles, rice straw bags, awnings, tents, hammocks, string, ropes not of metal, cables not of metal, packing string

Class 035.

All goods and services in the class are cancelled, namely: Brokerage services of pharmaceutical products, pharmaceutical products procurement services for others (purchasing pharmaceutical products for other businesses), business management of hotels for others, business management and organization consultancy, advisory services for business management, personnel management consultancy, business information in the field of chemical industry, commercial information agencies, conducting marketing research, compilation of information into computer databases, systemization of information into computer databases, data search in computer files for others, computerized file management, retail store services for unprocessed non-metallic minerals for building or construction purposes, retail online services for unprocessed non-metallic minerals for building or construction purposes, wholesale ordering services for building timber and manufactured timber, retail store services for building timber and manufactured timber, retail online services for building timber and manufactured timber, brokerage services of building timber and manufactured timber, commercial intermediary services in the field of building timber and manufactured timber, sales arranging of building timber and manufactured timber, wholesale ordering services for building glass, retail store services for building glass, brokerage services of building glass, commercial intermediary services in the field of building glass, sales arranging of building glass, retail store services for industrial chemicals and chemical preparations for industrial or scientific purposes and surface-active chemical agents, retail store services for industrial oils, retail store services for industrial oils and fats, retail store services for adhesives for industrial purposes, wholesale store services for artificial resins in the nature of semi-finished products and plastic film other than for wrapping, wholesale ordering services for artificial resins in the nature of semi-finished products and plastic film other than for wrapping, retail store services for artificial resins in the nature of semi-finished products and plastic film other than for wrapping, brokerage services of artificial resins in the nature of semi-finished products and plastic film other than for wrapping, commercial intermediary services in the field of artificial resins in the nature of semi-finished products and plastic film other than for wrapping, sales arranging of artificial resins in the nature of semi-finished products and plastic film other than for wrapping, retail store services for semi conductors, semiconductor elements and integrated circuits, retail store services for antifreeze, brake fluid, fluids for hydraulic circuits, retail store services for processed glass not for buildings, retail store services for glass based product not for building, retail store services for non-metallic materials for exclusive use in building or construction, wholesale store services for fertilizers, wholesale ordering services for fertilizers, brokerage services of fertilizers,

commercial intermediary services in the field of fertilizers, sales arranging of fertilizers, retail store services for fertilizers and earth for growing, retail store services for inorganic fiber not for textile use, retail store services for chemical fiber not for textile use, retail store services for chemical-fiber yarns and inorganic fiber yarn not for textile use, retail store services for chemical machines for industrial purposes and waste disposals, wholesale ordering services for cement and cement-based products, retail store services for cement and cement-based products, brokerage services of cement and cement-based products, commercial intermediary services in the field of cement and cement-based products, sales arranging of cement and cement-based products, wholesale ordering services for tableware, retail store services for tableware, brokerage services of tableware, commercial intermediary services in the field of tableware, sales arranging of tableware, wholesale ordering services for glass working machines, retail store services for glass working machines, brokerage services of glass working machines, commercial intermediary services in the field of glass working machines, sales arranging of glass working machines, retail store services for ionisation apparatus not for the treatment of air, electroplating apparatus and electrolyzers, retail store services for tar and pitch, wholesale ordering services for tires, brokerage services of tires, commercial intermediary services in the field of tires, sales arranging of tires, retail store services for tires and tubes, retail store services for compositions for the manufacture of technical ceramics, import-export agencies, providing office functions, secretarial services
Class 036.

All goods and services in the class are cancelled, namely: Financial services, namely, electronic remote check deposit services, financial services, namely, money lending, financial exchange services, namely, domestic exchange transactions, brokerage services in the field of securities, fiscal assessments, financial management, financial consultancy, real estate appraisal, real estate management, brokerage and leasing of real property, credit inquiries, customs brokerage, antique appraisal, appraisal of precious metals, picture appraisal services, appraisal services for works of art, art appraisal services, stamp appraisal services, charitable fund raising

Ground for Cancellation:

lack of bona fide intention to use - 37 C.F.R. § 2.33(e), 15 U.S.C. § 1141f(a)

Attachments:

2312567-Petition_for_Cancellation.PDF (6 pages)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address of record by First Class Mail on this date.

Todd A. Denys
/todd a denys/
02/28/2013

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 05/31/2014)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **79096066** (OCI , see [mark](#)) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	OCI Nitrogen B.V.
Serial No.:	79/096,066
Mark:	OCI
Filing Date:	March 17, 2011
International Classes:	1, 19 and 37
Examining Attorney:	Jessica Ellinger Fathy Trademark Examining Attorney Law Office 110

AMENDMENT AND RESPONSE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Applicant is in receipt of the August 29, 2012 Office Action issued in connection with the above-captioned trademark application and hereby responds as follows:

The Examining Attorney has reviewed Applicant's July 18, 2012 Amendment and Response and, based on a finding that the Letter of Consent to Registration that was submitted to overcome the Trademark Section 2(d) refusal was a "naked consent", has maintained that refusal based on United States Trademark Registration Number 3,953,513.

Applicant has filed a Petition for Cancellation of the cited registration. Attached hereto please find:

- A copy of the Petition for Cancellation of United States Trademark Registration Number 3,953,513;
- A copy of the Trademark Trial and Appeal's Board's "receipt" acknowledging the filing of the Petition for Cancellation of United States Trademark Registration Number 3,953,513; and
- A copy of the ESTTA email confirming the filing of the Petition for Cancellation of United States Trademark Registration Number 3,953,513

Based on the foregoing, it is respectfully requested that the Examiner now suspend this application pending resolution of the cancellation proceeding. If there are any final changes or modifications that can be handled by Examiner's Amendment, the Examiner is encouraged to contact the undersigned directly by telephone.

Respectfully submitted,
OCI Nitrogen B.V

EVIDENCE

Evidence in the nature of 1. A copy of the Petition for Cancellation of United States Trademark Registration Number 3,953,513; 2. A copy of the Trademark Trial and Appeal's Board's "receipt" acknowledging the filing of the Petition for Cancellation of United States Trademark Registration Number 3,953,513; and 3. A copy of the ESTTA email confirming the filing of the Petition for Cancellation of United States Trademark Registration Number 3,953,513 has been attached.

[Evidence-1](#) [evi_2078624468-142559316_.2312567-Petition_for_Cancellation.PDF]

[Evidence-2](#) [evi_2078624468-142559316_.2312577-TTAB_Receipt_-_Petition_for_Cancellation.PDF]

[Evidence-3](#) [evi_2078624468-142559316_.2312746-ESTTA_email_confirming_Petition_for_Cancellation.PDF]

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /todd a denys/ Date: 02/28/2013

Signatory's Name: Todd A. Denys

Signatory's Position: Attorney of record, New Jersey bar member

Signatory's Phone Number: 609-924-8555

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

[Back](#)

Your Request for Reconsideration after Final Action Was Submitted Successfully

Success!

View/Save E-Receipt as PDF file

We have received your form for serial number **79096066**. You can open and save a PDF version of the filing receipt by clicking on the button, above, and this will serve as your official confirmation copy. We will also separately send an e-mail summary of the form to "**tadenys@pbnlaw.com**". For electronically submitted forms, the USPTO will not mail an additional paper confirmation.

NOTE: Do **NOT** send a duplicate paper copy of this filing to the USPTO, as it will interfere with the proper processing of the electronic submission.

Thank you.

TEAS Support Team

STAMP: USPTO/RFR-207.86.244.68-20130228145051572216-79096066-5001c80bb833648b67ca889affed5c7542b97a61872c7d55bd27d8194c22431757-N/A-N/A-20130228142559316813



[Trademark Electronic Application System \(TEAS\) service](#)

[U.S. Patent and Trademark Office](#)

Please refer questions or comments to: teas@USPTO.gov

Denys, Todd A.

From: TEAS@uspto.gov
Sent: February 28, 2013 2:51 PM
To: Denys, Todd A.
Subject: Serial number 79096066: Received Your Request for Reconsideration after Final Action

We have received your Request for Reconsideration after Final Action form below.

To the Commissioner for Trademarks:
Application serial no. **79096066** (OCI) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: OCI Nitrogen B.V.
Serial No.: 79/096,066
Mark: OCI
Filing Date: March 17, 2011
International Classes: 1, 19 and 37
Examining Attorney: Jessica Ellinger Fathy
Trademark Examining Attorney
Law Office 110

AMENDMENT AND RESPONSE

Commissioner for Trademarks
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Alexandria, VA 22313-1451

Dear Sir:

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OCI Nitrogen B.V

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Request for Reconsideration Signature

Signature: /todd a denys/ Date: 02/28/2013

Signatory's Name: Todd A. Denys

Signatory's Position: Attorney of record, New Jersey bar member

Signatory's Phone Number: 609-924-8555

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Thank you,

The TEAS support team

Thu Feb 28 14:50:51 EST 2013

STAMP: USPTO/RFR-207.86.244.68-20130228145051572216-79096066-

5001c80bb833648b67ca889affed5c7542b97a61872c7d55bd27d8194c22431757-N/A-N/A-20130228142559316813